SBCivil Writ Petition No.5371/2006

Rameshwar Lal Regar
Vs.
JVVNigam Ltd., Jodhpur & Ors.

Date of Order :: 10th October, 2006

HON'BLE MR.JUSTICE GOVIND MATHUR

Mr. C.S.Bissa, for the petitioner.
Mr. Manoj Bhandari, for the respondents.

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By this petition for writ a challenge is given to the order of transfer dated 7.9.2006 alleging malafides and extraneous considerations in passing the same. It is stated that the petitioner is transferred due to certain complaints made by the respondents No.4 and 5.

In reply to the writ petition the respondents have denied the allegations of malafides and extraneous considerations in following terms:-

> "That the averments contained in Ground-C & D are not admitted and hence denied. It is wrong to contend that the petitioner has been shifted on account of fulfilling political desires. It is submitted that the question with regard to the petitioner being undesirable cannot be said to be an stigma. Moreover, the petitioner's working has been under scrutinee and the administration thought it fit to transfer the petitioner outside Sridoongargarh so that proity and decorum be maintained in the administration. In that view of the matter, the contention raised by the

> petitioner is absolutely baseless. It is absolutely wrong to contend that there is any violation of the principles of natural justice. It is further wrong to contend that the transfer orders smacks malafides as the petitioner has miserably failed to fortify the same. Hence, the contention raised by the petitioner in this regard, is absolutely baseless."

It is emphasised by counsel for the petitioner that the respondent No.3 acted upon the complaints made by the respondents No.4 and 5 and that was the foundation for transfer.

Heard counsel for the parties.

It is true that the respondents No.4 and 5 made certain complaints against the petitioner, however, merely on the count that certain complaints have been filed against the petitioner, it cannot be said that the transfer effected is an out come of malafides. A person involved in political and social activities is having all rights to make complaint against a person working in a public office if he is not working effectively or working in a manner prejudicial to public at large. The administrative authorities of the public office are also required to look into such complaints and to take appropriate action. The action take enters in the zone of malice only if it is taken to victimise the person concerned

or he is treated arbitrarily to satisfy illegal, unjust or unwarranted demand of some other person.

In the instant matter from perusal of the reply filed on behalf of the respondents it is abundantly clear that the transfer of the petitioner was effected after considering all objective conditions. In view of it the same is nothing but a requirement of administrative exigencies. I do not find any illegality in the order of transfer impugned.

The petition for writ, therefore, is dismissed.

(GOVIND MATHUR),J.

kkm/ps.